

Re: CAN-SPAM Act Rulemaking, Project No. R411008

To the Commissioners,

I applaud your efforts to curb the problem of unsolicited bulk email. However, I am concerned about the proposed requirement for merchants to maintain suppression lists.

There are so many problems and costs associated with this idea, and so much damage done to consumers and businesses alike, that I feel I must urge you to consider this matter most carefully.

Requirement of the use of suppression lists will seriously damage many of the legitimate publications available on the net. My specific concern is for harm to publishers who require permission from the consumer prior to adding them to any list.

They're not who CAN-SPAM was designed to put out of business, but this requirement will very likely have that effect.

The adage, "don't throw the baby out with the bath water" applies here. SPAM is a vicious problem that is proliferating on the internet and I realize that you are under pressure to take action to curb this behavior. However, there needs to be a balance struck between protecting legitimate email marketing and curbing the illegitimate SPAM marketing used by people who have no previous relationship with an email recipient.

In my online business dealings I plan to use all of the legitimate internet marketing techniques and don't plan to ever SPAM. Here's why:

1. studies have shown that if people don't want your offer they won't respond anyway
2. you send out mass mailings and get minimal sales for your efforts
3. people auto delete most messages they don't recognize anyway so my message is not even being read by my intended audience
4. I don't know what their interests are or how to properly target a product or service they would be interested in and be likely to buy if I presented it properly
5. it pisses people off and gives me a bad reputation around the internet which hurts by business

However, if I offer a free report or ebook and collect someone's info for the right to read that, they have expressed an interest in whatever info I offered. I now have a targeted person that has given me permission to market to them and I will follow-up with them always including an opt out link they can click on to be removed from my list.

On the subject of the national do not email registry, it is a bad and untenable idea anyway. People will mistake legitimate mail they opted to receive for SPAM and give me, a legitimate marketer, a bad name and possibly get my emails filtered and bounced back wrongfully. People also change their email addresses so often a list like that would

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grow to be massive in size and impossible to manage. The problem a consumer would face is that they put their email address on the list and then opt into a newsletter or information of value to them and upon receiving an email about it they could mistake it for SPAM. They then send an email saying they were spammed to the do not registry list enforcers getting me in trouble when all the while I was simply following good business practices of following up with customers and providing them the valuable information about climbing that they were looking for and interested in.

There's also the potential for significant harm to consumers, because of the problem of properly knowing their intent when they unsubscribe from a list. On top of that, these suppression lists could easily fall into the hands of spammers, leading to more spam instead of less.

You visit my site and look at the principles I use by going here:

<http://www.nolimitclimbing.com>

I was quite surprised at the potential problems this ruling could involve, and urge you in the strongest possible terms to reconsider its implementation in light of these problems,

Respectfully,



Clint Evans

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